Pellegrino, Rachel

From: TMFeedback
Sent: Friday, January 14, 2011 7:20 AM
To: Brown, Brian (TM); Hickey, Toni
Subject: FW: "Small Business Study"

From: Catherine Suthard [(b)(6)]
Sent: Thursday, January 13, 2011 8:36 PM
To: TMFeedback
Subject: "Small Business Study"

Thank you for the opportunity. I am able to address the following of your questions:

6. Do you think trademark "bullies"[1] are currently a problem for trademark owners, and if so, how significant is the problem?

Yes. Very. I have had one particular Trademark owner bully me personally in the last couple of years. His name is Larry Levine and he owns a trademark on the phrase "Country Girl". He first contacted me indirectly by going to Zazzle.com corporate offices and complaining about a t-shirt I had for sale in my Zazzle store (a P.O.D "Print on Demand" website). The tshirt had the phrase "Thank God I'm a Country Girl" on it, and since Mr Levine owns the phrase "Country Girl" he insisted Zazzle corporate remove all my products from thier marketplace with "Country Girl" anywhere on the products. Zazzle then removed any products from my store and others according to Mr Levine's request, although several of those products had previously been printed and sold.

Mr Levine then contacted me some time later and threatened me with legal action if I did not also change the name of my Zazzle store, which was "Thank God I'm a Country Girl!". I accomodated him because I was afraid of not being able to afford a lawyer to fight him on the issue. I changed my store name, though I knew he would be hard pressed to win the issue in a court of law, being that the phrases are obviously different.

8. Do you think the USPTO has a responsibility to do something to discourage or prevent trademark bullying? If yes, what should the USPTO do?

Yes. I believe laws should be passed that do not allow trademarks to be issued for common names, titles and phrases. The next thing you know someone will trademark the term "Jesus Saves" and no one will be able to spread the word of God without threat of litigation (example).

9. Do you think the U.S. courts have a responsibility to do something to discourage trademark bullies? If yes, what should the U.S. courts do?

Yes. Punish them with big enough fines that it will discourage the bullying in the first place. If they end up in court a second time for the same offense, the perpetrators trademark should be revoked.

11. Do you think Congress has a responsibility to do something to discourage or prevent trademark bullying? If yes, what should Congress do?

Yes. Pass the laws needed to put in place the above mentioned ideas.

Thank you again for the opportunity to have my voice heard on this issue.

Catherine E. Suthard
"RanchLady"

"Western Spirit Designs"

(b)(6)